GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Surprise check conducted by Anti Corruption Bureau on Integrated Check Post, Purushottapuram (Itchapuram), Srikakulam district on 24-11-2007 – Certain irregularities noticed – Charges framed against twelve (12) Charged Officers – Inquiry – Findings of Inquiry Authority not accepted – Suo moto review under Rule 40 of Andhra Pradesh Civil Services (Classification Control & Appeal) Rules 1991 conducted – Show Cause Notice issued to Sri G.Rama Rao, Junior Assistant (Charged Officer-4) – Representation received– Imposing punishment of stoppage of two increments without cumulative effect against Sri G.Rama rao, Junior Assistant – Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.188 **Dated:19-02-2016**
Read the following:

1.From DG, ACB, AP, Hyd, Lr.No.87/DE-S-VSK/07, dt.26-9-2008.
2.Govt.memo No.53382/Vig.I(2)/2008-1, dt.11-11-2008.
3.Charge memo No.897/2008-4/A7, dated 27-12-2008 of DC, (CT), Visakhapatnam (AOCs).
4.Explanation submitted by Sri G.Rama Rao, O/o CTO, Srikakulam, dt.13-02-2009.
5.Proc.No.897/2008-1/A7, dt.25-03-2009 of DC (CT), Visakhapatnam.
6. Rc.No.172/2010 C3, dt.24-08-2010 of AC (CT) (Audit), Vizianagaram (IR).
7. Proc.No.172/2010 C3, dt.24.10.2013 of DC(CT),Visakhapatnam.
8.Rc.No.897/08 A7, dt.05-01-2011, of DC(CT) Visakhapatnam,.
9.From CCT, AP., Hyd., Lr.No.V3/1618/2008, dated 25-01-2011.
10.Govt.memo No.53382/Vig.I(2)/2008-6, dated: 02-08-2013.
11.Memo No.53382/Vig.II(3)/2008-10, dated:31-08-2015 of DC, (CT), Visakhapatnam (Show Cause Notice).
12.Representation dt.nil of Sri G.Rama Rao, Jr Asst, ICP,Purushottapuram.

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O R D E R :

Whereas in the reference 1st read above, it has been brought to the notice of the Government that the Anti Corruption Bureau officials have conducted a surprise check over the Integrated Check Post, Purushottapuram, (Itchapuram), Srikakulam district on 24-11-2007 on the allegations that the Staff of Commercial Taxes Department are indulging in corrupt practices and recommended to initiate disciplinary action against Sri C.Rama Rao, Junior Assistant, (Charged Officer-4) and Eleven (11) others.

2. And whereas, as per the instructions issued by the Government in the reference 2nd read above, the Deputy Commissioner (Commercial Taxes), Visakhapatnam and Disciplinary Authority has initiated disciplinary action against the Charged Officers and framed the following two charges against Sri C.Rama Rao, Junior Assistant, (Charged Officer-4), vide reference 3rd read above :

Charge.I:-That the Accused Officer while working at the Check Post allowed collection of illegal gratification varying from Rs.10/- to Rs.100/- from the crew of transport vehicles passing through the integrated check post with the connivance of Sri P.Phalgunarao, Junior Assistant, Commercial Taxes Department by putting them under instant threat of detaining their vehicles, resulting in which an amount of Rs.1,200/- was found on the table under the monitor of the computer at main hall at the transit pass issue counter of Commercial Taxes which was collected by Sri P.Phalguna Rao, Junior Assistant (Accused Officer – 1) and the same will be shared by all the staff members of Commercial Taxes Department.

Contd., 2

Charge.II:-That the Accused Officer while working at the Check Post, had collected Rs.440/- as mamools illegally on his behalf for him and on behalf of other officials of Commercial Tax Department from the crew of transport vehicles passing through the check post on 24-11-2007 from 4.00 AM to 6.00 AM when the Anti Corruption Bureau officials kept a watch at the user charges collection counter of Commercial Taxes Department in the presence of mediators during the surprise check and allowed them to collect mamools / bribe as usual and failed to maintain absolute integrity in violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

3. The Deputy Commissioner (Commercial Taxes), Visakhapatnam and disciplinary authority examined the Written Statement of Defence submitted by the above Accused Officers and as the same are not convincing, got the matter enquired through Regular Enquiry by appointing Inquiry Authority vide reference 5th read above. The Inquiry Authority after conducting due enquiry into the matter has submitted the Inquiry Report in respect of all the Accused Officers vide reference 6th read above. The disciplinary authority after examining the Inquiry Report has dropped further action against Sri G.Rama Rao, Junior Assistant, (Accused Officer-4) along with 9 others vide reference 7th read above.

4. The Government have carefully examined the above case in detail and observed that the charges framed against the above Accused Officers is collecting illegal gratification / mamools from the crew of transport vehicles passing through the check post by putting them under instant threat of detaining their vehicles and an amount of Rs.1,200/- has been found on his table under the monitor of the computer and another allegation is that he collected an amount of Rs.440/- as mamools illegally from the crew of the vehicles which are grave in nature. The findings of the Inquiry Authority that throwing of money ranging from Rs.10/- to Rs.100/- by the crew of the vehicles is only a practice of the crew, attributing the same as fault of the system, and that the Check Post staff cannot be put to fault as they neither demanded nor collected the amounts is not correct.

5. It is inconvincible that the transporters would offer cash on their own in a routine matter unless the corrupt practice is put in place by the check post staff and as such it is held that the controlling officers, i.e., Sri Y.Manmadha Rao (Accused Officer-3) and Sri M.Satyanarayana, (Accused Officer-2) Assistant Commercial Tax Officers are collectively responsible for such nefarious activities. Though it is not possible to pin point the guilt of any single Accused Officer it has been decided by the disciplinary authority to impose punishment against Sri Y.Manmada Rao, Assistant Commercial Tax Officer (Accused Officer-3) and action was taken against Sri M.Satyanarayana, Assistant Commercial Tax Officer (Accused Officer-2) by the Government under Andhra Pradesh Revised Pension Rules, 1980 as he has retired from service. The main allegation for initiating departmental action is for collection of illegal gratification from the crew and the said irregularity is alleged to have been committed by Sri G.Rama Rao, Junior Assistant (Accused Officer–4), hence, it is considered that charges framed are grave in nature and have to be dealt in firmly.

6. The Government keeping in view of the above circumstances and the facts of the case have decided to disagree with the findings of the Inquiry Authority in respect of Sri G.Rama Rao, Junior Assistant (Accused Officer – 4) and accordingly in exercise of powers conferred under Rule 40 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 have taken up the issue under Suo motto revision duly setting aside the proceedings No.897/2008 A7, dated 24-10-2013, of Deputy Commissioner, (Commercial Taxes) Visakhapatnam in reference 7th read above, as the Accused Officer has wilfully contravened the provisions of the Andhra Pradesh Civil Services (Conduct) Rules, 1964. and Sri.G.Rama Rao

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former Junior Assistant, O/o Integrated Check Post, Purushottapuram (Accused Officer-4) has been issued a Show Cause Notice vide ref 11th read above to explain why action shall not be taken against him for the irregularities noticed. Sri.G.Rama Rao (Accused Officer-4) has submitted his explanation in the reference 12th read above which has no fresh grounds to examine.

7. Government have examined the matter in detail and decided and here by order to impose a penalty of stoppage of two(2) annual grade increments without cumulative effect against Sri Sri.G.Rama Rao, former Junior Assistant, O/o Integrated Check Post, Purushottapuram for the irregularities noticed during the surprise check on Integrated Check Post, Purushottapuram (Itchapuram), Srikakulam, on 24.11.2007.

8**.** The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G.Rama Rao, former Jr Asst O/o ICP,Purushottapuram.
through the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad
The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad
(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.
The Director General., Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.
The Deputy Commissioner, Commercial Taxes, Visakhapatnam.
SF / SC.

//FORWARDED :: BY ORDER //

SECTION OFFICER